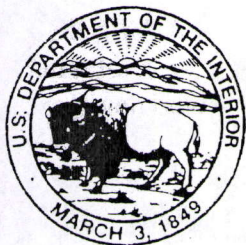


5/053/034



UNITED STATES DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

ST. GEORGE FIELD OFFICE

345 E. Riverside Drive

St. George, Utah 84790

Phone (435)688-3200 · Fax (435)688-3252

RECEIVED

MAR 31 2005

DIV OF OIL GAS & MINING

In Reply Refer To:
3809 (UT-100)
UTU-66868

February 2, 2005

CERTIFIED MAIL #7001 1940 005 3052 3820
RETURN RECEIPT REQUESTED

DECISION

Operator: Ken Brown	:	43 CFR 3809
Western Hills	:	Surface Management
288 West Center	:	Notices: UTU-66868
Kanab, Utah 84741	:	Project Name: Fire Pit #1-4 claims

Notice Extended

Notice, UTU-66868, was filed with this office on September 28, 1988. The Surface Management Regulations, 43 CFR 3809.333, require that an operator wishing to extend his/her notice which was on file as of January 20, 2001, notify the BLM in writing on or before the expiration date, January 20, 2003, and meet the financial guarantee requirements of 43 CFR 3809.503.

Notices may be extended more than once. Extended notices remain in effect for 2 years, unless further extended under 43 CFR 3809.333, or unless you notify BLM beforehand that operations have ceased and reclamation is complete. Extended notices must meet the financial guarantee requirements of 43 CFR 3809.503.

Your request to extend notice, UTU-66868 for an additional 2 years was received by this office on January 13, 2005. An inspection of this notice was conducted on June 17, 2004, and documents the surface disturbance is substantially the same as when the financial guarantee was accepted on July 25, 2003. Therefore, the financial guarantee is accepted and your notice is extended until January 20, 2007.

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may request that the Utah BLM State Director review this decision. If you request a State Director review, the request must be received in the Utah BLM State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43

CENTRAL FILES

CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision on your request for review of this decision within 21 days of BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Utah BLM State Office to determine when BLM received the request for State Director review. You have 30 days from the end of the 21 days period in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office St. George Field Office, 345 E. Riverside Drive, St. George, Utah 84790) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.


If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Sincerely,

acting for  Rowley
James D. Crisp
Field Manager

Enclosure: Form 1842-1

cc: Doug Jensen, DOGM (S/053/034)
bcc: T. Snyder, U-923